

ADMINISTRATIVE PANEL DECISION

SAFRAN v. John E Seeley

Case No. D2024-2142

1. The Parties

The Complainant is SAFRAN, France, internally represented.

The Respondent is John E Seeley, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <safrangoup.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 24, 2024. On May 28, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (UNKNOWN) and contact information in the Complaint.

The Center sent an email communication to the Complainant on May 29, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on June 6, 2024.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on June 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 27, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 1, 2024.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on July 8, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and

Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is an international high-technology group, operating in the aviation (propulsion, equipment and interiors), defense, and space markets. It has a global presence, with 92,000 employees in 276 locations across 27 countries, and sales of EUR 23.2 billion in 2023. The Complainant is the holding company controlling various companies that operate under the SAFRAN trademark (the “Safran companies”).¹

The Complainant owns various trademark registrations for its brand SAFRAN, including:

- European Trademark Registration No. 004535209, SAFRAN, word, registered on August 17, 2009, in classes 2, 7, 9, 11, 12, 13, 16, 35, 36, 37, 38, 39, 41, and 42; and
- International Trademark Registration No. 884321, SAFRAN, word, registered on August 5, 2005, in classes 02, 07, 09, 11, 12, 13, 16, 36, 37, 38, 41, and 42,

(hereinafter the “SAFRAN mark”).

The Complainant further owns various domain names for its SAFRAN mark, including <safran-group.com> (registered on February 25, 2005), which resolves to its corporate website, as well as <safrangroup.com> (registered on September 28, 1999), <safrangroup.fr> (registered on February 28, 2005), <safrangroup.us> (registered on March 16, 2005), and <safrangroup.org> (registered on March 15, 2005), which redirect to its corporate website.

The disputed domain name was registered on October 28, 2023, and it is apparently inactive resolving to an Internet browser error message.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name generates confusion as it reproduces the SAFRAN mark followed by the term “goup”, which only differs in one letter from the term “group”, in clear reference to the Complainant (known as “Safran Group”) and its domain names.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the terms included in the disputed domain name, it has not been authorized to use the SAFRAN mark, and has no relationship with the Complainant. The disputed domain name is not used in connection to any bona fide offering of goods or services.

The disputed domain name was registered and is being used in bad faith. The Complainant and the SAFRAN mark are internationally well-known. The Respondent must have been aware of them and cannot

¹Per the Complaint, the Complainant controls, among others, the following companies: Safran Aero Boosters; Safran Aerosystems; Safran Aircraft Engines; Safran Cabin; Safran Electrical & Power; Safran Electronics & Defense; Safran Helicopter Engines; Safran Landing Systems; Safran Nacelles; Safran Seats; and Safran Transmission Systems.

reasonably claim having any legitimate purpose to register the disputed domain name. The Respondent intentionally attempted to attract Internet Users, by creating a likelihood of confusion with the Complainant and its trademark. The non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed material and allegations, and performing some limited independent research under the general powers of the Panel articulated, inter alia, in paragraph 10 of the Rules.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the SAFRAN mark is reproduced and is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, the term "goup" (an apparent misspelling of the term "group"), may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Therefore, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds no evidence in the record that may suggest the existence of any right or legitimate interests in the Respondent for the registration of the disputed domain name.

The Panel notes the term "safran" is a name with no dictionary meaning, and it does not share any similarities with the Respondent's name revealed by the Registrar verification.

The disputed domain name is apparently inactive, and there is no evidence in the record of any past use or any preparations to use the disputed domain name in connection to any bona fide offering of goods or services or other legitimate use.

Furthermore, the composition of the disputed domain name generates confusion or association with the Complainant, its domain names, and its trademarks. The disputed domain name gives the impression of being owned or referend to the Complainant and/or its holding of Safran companies.

Therefore, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Panel notes that the SAFRAN mark is internationally used, sufficiently distinctive for the products and services in the aviation, defense, and space markets, as well as widely known in the relevant customer circles. Prior decisions under the Policy have recognized its international notoriety. See, i.e., *Safran v. Murat Kupeli*, UNIVERSITE MH CIVAN SK 1257 ALLURE TOWER, WIPO Case No. [D2023-2077](#); or *Safran v. Worsley Smith*, WIPO Case No. [D2023-2249](#).

The Panel further notes nothing in the record indicates the Respondent may have any right or legitimate interests in respect of the disputed domain name. Further, the disputed domain name incorporates the SAFRAN mark followed by a term that may be considered a common, obvious or intentional misspelling of the word "group", which is used by the Complainant in its domain names, and as the common designation for its company or its holding of companies (the "Safran Group"). The use of a common, obvious or intentional misspelling, and, particularly, the omission of one letter, is considered a factor indicating bad faith under the Policy; it typically signals an intention on the part of the respondent to confuse users seeking or expecting the Complainant. See, i.e., *Carrefour SA v. Sophie Schemann, Personal Use*, WIPO Case No. [D2022-0966](#); or *Alstom v. Fernando S Lima, Rocket Launcher*, WIPO Case No. [D2022-0059](#).

The Panel thus finds that the Respondent likely knew of the Complainant and its trademark and deliberately registered the disputed domain name in bad faith.

As regards the use in bad faith of the disputed domain name, the Panel considers that bad faith may exist even in cases of "passive holding", as found in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). Consequently, in the circumstances of this case, the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith. See [WIPO Overview 3.0](#), section 3.3. In support of this finding, the Panel considers as relevant the international use and renown of the SAFRAN mark, the incorporation of this trademark in the disputed domain name followed by a common, obvious or intentional misspelling of the term "group", in clear allusion to the Complainant and/or its holding of Safran companies, and the Respondent's failure to participate.

The Panel considers the nature of the disputed domain name, which is confusingly similar to the SAFRAN mark and almost identical to the Complainant's domain names, reflects the purposeful composition of the disputed domain name targeting the Complainant, its domain names and its trademark, to generate confusion and create a direct misleading inference of the Complainant. These circumstances further support a finding of bad faith.

Accordingly, the Panel finds, on the basis of the evidence presented, the Respondent registered and is using the disputed domain name in bad faith.

Therefore, the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <safrangoup.com> be transferred to the Complainant.

/Reyes Campello Estebarez/

Reyes Campello Estebarez

Sole Panelist

Date: July 19, 2024